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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

*[Protest of Army Contract Award]*

FILE: B-198729

DATE: August 29, 1980

MATTER OF: Adirondack Direct

**DIGEST:**

Protest initially filed in GAO is dismissed when protester files request for relief in court of competent jurisdiction involving same material issues as protest and court has not indicated any interest in GAO decision.

Adirondack Direct (Adirondack) has protested the award by the Army of a contract for certain chapel furnishings to Garnett Church Furniture (Garnett) under invitation for bids (IFB) No. DABT 31-80-B-0053. Adirondack's protest to our Office alleges that Garnett's bid was nonresponsive for failure to conform to the "Brand Name or Equal" specifications in the IFB.

Subsequent to the filing of this protest and the submission of comments by the interested parties, Adirondack filed suit in the United States District Court, Western District of Missouri-Southern Division (Civil Action No. 80-3190-CV-S). The material issues raised in this litigation are the same as those raised in the protest before our Office. Adirondack has filed for a temporary restraining order and other judicial relief.

It is the policy of our Office not to decide protests where the material issues are presently before a court of competent jurisdiction unless the court requests, expects, or otherwise expresses an interest in our decision. 4 C.F.R. § 20.10 (1980). Adirondack has not requested a restraining order pending a decision by our Office and the court has not indicated any interest in a decision from GAO. Therefore, we will not decide this protest. Drew Chemical Corporation, B-193139, November 28, 1978, 78-2 CPD 404.

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The protest is dismissed.

*for* Harry R. Van Cleave  
Milton J. Socolar  
General Counsel